

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, March 20, 2012, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding

Alderman John Clark

Alderman Valerie Joh

Alderman Michael McIntire

Vice-Mayor Tom C. Parham

Alderman Tom Segelhorst

Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager

J. Michael Billingsley, City Attorney

James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Ms. Catherine Campbell.
- II.B. **INVOCATION:** By Mickey Rainwater, Senior Pastor – First Broad Street Methodist Church.
- III. **ROLL CALL:** By City Recorder Jim Demming. All Present.
- IV. **RECOGNITIONS AND PRESENTATIONS.** None.
- V. **APPROVAL OF MINUTES.**

Motion/Second: Parham/McIntire, to approve minutes for the following meetings:

A. March 6, 2012 Regular Work Session

B. March 6, 2012 Regular Business Meeting

Approved: All present voting "aye."

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

1. **Public Hearing for Annexation Plan of Services Report**
(AF: 64-2012). City Planner Forrest Koder gave a brief presentation on this item, noting that one of the six locations has been completed.

PUBLIC COMMENT ON ITEM VI.AA.1. Mr. James Brotherton, 204 Patrick Henry Circle, commented on the change of service plans from five years to eight years.

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2. Public Hearing and Consideration of a Resolution to Amend the Resolution for the Plan of Services for the Cherry Knoll Annexation Area (AF: 65-2012). City Planner Forrest Koder gave a brief presentation on this item, noting the property owner has agreed to this arrangement.

PUBLIC COMMENT ON ITEM VI.AA.2. None.

Motion/Second: McIntire/Shupe, to pass:

Resolution No. 2012-158, A RESOLUTION AMENDING RESOLUTION NO. 2009-105 BY AMENDING THAT PORTION OF THE PLAN OF SERVICES FOR CHERRY KNOLL ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE PERTAINING TO THE PROVISION OF SANITARY SEWER AND STREET LIGHTS

Passed: All present voting "aye."

3. Public Hearing and Consideration of an Ordinance to Amend the Code of Ordinances, Division 9, Section 114-467 for the City of Kingsport (AF: 66-2012). City Planner Forrest Koder gave a brief presentation on this item, stating this would allow for an additional, free-standing monument sign on the Meadowview property parcel. Mayor Phillips noted that without this change, the new winery would not be able to have any signage.

PUBLIC COMMENT ON ITEM VI.AA.3. None.

Motion/Second: McIntire/Joh, to pass:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, DIVISION 9, SECTION 114-467; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

4. Public Hearing and Consideration of an Ordinance to Amend the Code of Ordinances, Article I, Section 114-1(b), Definitions for the City of Kingsport (AF: 67-2012). City Planner Forrest Koder gave a brief presentation on this item, noting these definitions regarding business signs were created in response to the situation discussed in the previous item and suggested by City Attorney Billingsley.

PUBLIC COMMENT ON ITEM VI.AA.4. None.

Motion/Second: Segelhorst/McIntire, to pass:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, ARTICLE I, SECTION 114-1(b); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

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5. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Cleek Road Part 2 Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 59-2012). City Planner Ken Weems provided information on this item.

PUBLIC COMMENT ON ITEM VI.AA.5. None.

Motion/Second: McIntire/Parham, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 10TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE CLEEK ROAD PART 2 ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Joh/McIntire, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG NEW BEASON WELL ROAD AND CLEEK ROAD TO A-1, AGRICULTURAL DISTRICT, IN THE 10TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: McIntire/Parham, to pass:

Resolution No. 2012-159, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE CLEEK ROAD PART 2 ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

NOTE: At this time, at the request of Mayor Phillips, Sullivan County Director of Schools Jubal Yennie explained to the Board and the Community the \$1,500,000.00 Stem School Award that was received, noting it was a base to launch many opportunities in the area. Mr. Yennie further noted the benefits that would result from this project, noting the platform school would open this fall and would be operated by the City and the County. Mayor Phillips pointed out the savings to tax payers while providing a better education. Alderman Segelhorst commended the cooperation between the City, the County and East Tennessee State University.

6. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Eastern Star Part 2 Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 60-2012). City Planner Ken Weems provided information on this item.

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PUBLIC COMMENT ON ITEM VI.AA.6. An unidentified citizen spoke in opposition of this annexation and asked questions regarding his property. Mr. Weems provided a rationale for this annexation. Ms. Barbara Brown commented on an incident that occurred at a planning commission meeting. Mr. James Brotherton, 204 Patrick Henry Circle stated he did not receive notice of this annexation.

Motion/Second: McIntire/Parham, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE EASTERN STAR ROAD PART 2 ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Parham/Joh, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG EASTERN STAR ROAD TO M-1R, LIGHT INDUSTRIAL DISTRICT, IN THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: McIntire/Segelhorst, to pass:

Resolution No. 2012-160, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE EASTERN STAR PART 2 ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

7. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Kingsport South Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 61-2012). City Planner Ken Weems provided information on this item.

PUBLIC COMMENT ON ITEM VI.AA.7. Mr. James Brotherton asked for clarification on this property and that of the Border Regions. Mr. Brian Bolling, 399 Pickens Road asked for an explanation of the Border Regions concept, to which Mr. Weems replied. Mr. Brotherton also requested the City Manager to explain these details to the Sullivan County Commission at their next meeting in April. Another unidentified citizen commented on the cost savings to property owners being annexed. Mr. Weems explained the reason these savings vary from property to property. City Manager Campbell and Public Works Director McReynolds responded to questions from these citizens.

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Motion/Second: McIntire/Joh, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE EASTERN STAR ROAD PART 2 ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Parham/McIntire, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG MITCHELL ROAD, PICKENS ROAD, AND LEBANON ROAD TO A-1, AGRICULTURAL DISTRICT, IN THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Joh/McIntire, to pass:

Resolution No. 2012-161, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE KINGSPORT SOUTH ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

A. PUBLIC COMMENT. Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. The Mayor commented he wanted to make sure everyone understood the intent of the City in regards to Item VI.D.7 and VI.D.8 after the work session discussion last night. He further stated that if the bridge benefit passed, there would be no expense to city taxpayers and could require the City to dip into actual salaries rather than solely relying on the money forfeited from pay raises should the need arise when this is re-evaluated in two years. Police Officer Dale Farmer commented he understood the money would come from future raises rather than salaries. City Attorney Billingsley explained the revised draft of this resolution that he changed after comments made at the work session. Alderman McIntire voiced concerns about finances, noting there could be problems farther down the road. Vice-Mayor Parham pointed out this has been looked at and well-studied for several years and will be cost effective. Firefighter Darrell Hayes also commented on this issue, noting the success of other cities who have adopted the bridge. Mayor Phillip noted that the goal is a safe proposal that is fair because it cannot be undone. There was considerable discussion. The police and fire department employees asked for a brief recess to review the changes made since last night, before endorsing their support to move forward. They left the room for discussion as the business meeting continued.

At this point, the Mayor closed the public comment segment.

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B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Enter into a Materials Agreement with Danny Karst Related to the Edinburgh Phase 2 Section 2C Development and an Ordinance to Appropriate the Funds (AF: 77-2012).

Motion/Second: Segelhorst/Parham, to pass:

Resolution No. 2012-162, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MATERIALS AGREEMENT WITH DANNY KARST FOR EDINBURGH PHASE 2 SECTION 2C AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

Motion/Second: McIntire/Joh, to pass:

AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY TRANSFERRING FUNDS TO THE EDINBURGH PHASE 2 SECTION 2C MATERIALS AGREEMENT PROJECTS (WA1276 AND SW1276); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION. None.

D. OTHER BUSINESS.

1. Consideration of a Resolution Authorizing the Reimbursement of Materials Agreement Funds to M & M Builders for Brookton Park Subdivision (AF: 76-2012). City Manager Campbell noted the amount for this agreement was less than originally projected, noting staff recommended approval. Mayor Phillips pointed out that through the support of these materials agreements, there have been 706 new lots, 118 building permits and 84 certificates of occupancy issued.

Motion/Second: Joh/Segelhorst, to pass:

Resolution No. 2012-163, A RESOLUTION AUTHORIZING REIMBURSEMENT OF MATERIALS AGREEMENT FUNDS TO M & M BUILDERS FOR BROOKTON PARK SUBDIVISION

Passed: All present voting "aye."

2. Consideration of a Resolution Authorizing the Mayor to Execute an Agreement between the City of Kingsport and the Lynn Garden Optimist Club (AF: 75-2012).

Motion/Second: Parham/Segelhorst, to pass:

Resolution No. 2012-164, A RESOLUTION AUTHORIZING THE MAYOR TO

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EXECUTE AGREEMENTS WITH THE LYNN GARDEN OPTIMIST CLUB RELATED TO THE USE OF THE ATHLETIC FIELDS AND CONCESSION STAND OPERATIONS AT THE LYNN VIEW COMMUNITY CENTER

Passed: All present voting "aye."

3. Consideration of a Resolution Authorizing the Mayor to Sign All Documents Necessary to Apply for and Receive a Grant from the Tennessee Department of Environment and Conservation's Clean Tennessee Energy Grant Program (AF: 79-2012). City Manager Campbell noted this would be the purchase of two Nissan Leafs by the fleet fund basically at a buy one get one free rate. Mayor Phillips pointed out these vehicles were made in Tennessee.

Motion/Second: Joh/Parham, to pass:

Resolution No. 2012-165, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A CLEAN TENNESSEE ENERGY GRANT FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Passed: All present voting "aye."

4. Consideration of a Resolution Designating the Unnamed Orebank Road Bridge Over Reedy Creek as the Lance Corporal William F. Dykes Memorial Bridge (AF: 81-2012). Vice-Mayor Parham pointed out the dedication for this bridge was scheduled for April 28, 2012 at 2:00 p.m.

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2012-166, A RESOLUTION DESIGNATING THE UNNAMED OREBANK ROAD BRIDGE OVER REEDY CREEK AS THE LANCE CORPORAL WILLIAM F. DYKES MEMORIAL BRIDGE

Passed: All present voting "aye."

5. Consideration of a Resolution Awarding the Bid for the Purchase of One (1) Compact Vacuum Street Sweeper to Carolina Industrial Equipment, Inc. (AF: 82-2012). City Manager Campbell commented this was a good deal on a "demo" vehicle that still had a warranty.

Motion/Second: Joh/Parham, to pass:

Resolution No. 2012-167, A RESOLUTION AWARDING THE BID FOR PURCHASE OF ONE COMPACT VACUUM STREET SWEEPER TO CAROLINA INDUSTRIAL EQUIPMENT, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

6. Consideration of a Resolution Awarding the Bid for the Alterations to the Former City Schools Central Office Space to Armstrong Construction Company, Inc. and Authorizing the Mayor to Sign All Applicable

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Documents (AF: 83-2012). City Manager Campbell provided information on this item, noting this takes the former superintendent office and changes is to classrooms.

Motion/Second: Parham/McIntire, to pass:

Resolution No. 2012-168, A RESOLUTION AWARDDING THE BID FOR THE RENOVATION TO THE FORMER CENTRAL OFFICE SPACE FOR CITY SCHOOLS TO ARMSTRONG CONSTRUCTION COMPANY; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR THE SAME; AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

7. Consideration of a Resolution Establishing a Mandatory Retirement Age for Certain Fire and Police Personnel and Approving the Supplemental Bridge Benefit for Those Employees (AF: 84-2012). The police and fire department personnel returned and representatives from each group stated they were comfortable with moving forward tonight. Firefighter Hayes commented he was confident in the cost savings that have already been calculated.

Motion/Second: Shupe/Parham, to pass:

Resolution No. 2012-169, A RESOLUTION ADOPTING A MANDATORY RETIREMENT AGE REQUIREMENT OF AGE SIXTY (60) PURSUANT TO TENNESSEE CODE ANNOTATED, SECTION 8-36-205; AUTHORIZING THE PAYMENT OF THE SUPPLEMENTAL BRIDGE BENEFIT PURSUANT TO TENNESSEE CODE ANNOTATED, SECTION 8-36-211; AND AUTHORIZING GROUP 1 MEMBERS WHO HAVE CREDITABLE SERVICE IN A GROUP 1 POSITION COVERED BY SUCH MANDATORY AGE RETIREMENT TO RETIRE ON SERVICE RETIREMENT BENEFITS UPON ATTAINMENT OF AGE FIFTY-FIVE (55) WITH TWENTY-FIVE (25) YEARS OF CREDITABLE SERVICE PURSUANT TO TENNESSEE CODE ANNOTATED, SECTION 8-36-201(a)(2)

Passed: All present voting "aye" except McIntire who abstained.

8. Consideration of a Resolution Expressing the Intent for the Board to Pay for the Supplemental Bridge Retirement Benefit and the Guidelines for Implementation of Such Intent (AF: 86-2012). City Attorney Billingsley pointed out that as it stands now, this resolution requires a unanimous vote before it can be adopted. Mr. Billingsley also wanted to make sure that every Board member knew they were voting on the revised resolution rather than the one they received in their packet. Vice-Mayor Parham made a motion (seconded by Alderman Shupe) to substitute the revised resolution document supplied by City Attorney Billingsley for the one that was in the original packet. Alderman Joh then made a motion (seconded by Alderman Shupe) to amend the adoption and amendment requirement from a unanimous vote to a two-thirds majority. All present voting "aye" on both motions to amend. Chief Osborne thanked former Alderman Ben Mallicote and Alderman Shupe for starting this process three years ago and making it happen.

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Motion/Second: Shupe/Joh, to pass as now substituted and amended:

Resolution No. 2012-170, A RESOLUTION EXPRESSING THE INTENT OF THE BOARD OF MAYOR AND ALDERMEN TO PAY FOR THE SUPPLEMENTAL BRIDGE RETIREMENT BENEFIT FOR CERTAIN FIRE AND POLICE PERSONNEL BY USING FUNDS THAT WOULD OTHERWISE HAVE BEEN USED FOR PAY ADJUSTMENTS FOR CERTAIN FIRE AND POLICE PERSONNEL; AND ADOPTING GUIDELINES FOR IMPLEMENTATION OF SUCH INTENT

Passed: All present voting "aye" except McIntire voting "nay."

E. APPOINTMENTS/REAPPOINTMENTS. None.

VII. CONSENT AGENDA. None.

VIII. COMMUNICATIONS.

A. CITY MANAGER. Mr. Campbell commented on the success of the recent book sale for the Friends of the Library, noting they grossed \$22,000 and thanking those who donated books. Mr. Campbell also noted that tomorrow was the first day for the new school superintendent and welcomed Dr. Ailshie.

B. MAYOR AND BOARD MEMBERS. Alderman McIntire commented on the Energy Star Award received by Eastman as well as the Safe Community Award given by the State.

Alderman Joh noted the carousel project was recognized in *CarouselNews.com* magazine, featuring pictures of the carvers and the progress being made. She also stated the Carousel Arts and Crafts Show would be participating in a woodworking exhibition at the Civic Auditorium on Saturday from 10:00 a.m. to 6:00 p.m. and Sunday from 12:00 p.m. to 5:00 p.m. and invited everyone to attend.

Alderman Segelhorst offered congratulation those involved with the Stem School Award, noting he was proud to be on the governing board for this new school. He also commented on the Safe Community Award, pointing out that only 272 were given in the world with 19 in the United States and ours being the only one in Tennessee.

Alderman Clark commented that he was honored to be finishing his first month as Alderman and thankful for the opportunity to help the City progress.

Vice-Mayor Parham described a reach-out program sponsored by Wal-Mart that has collected over 8,000 pounds of food for the Sullivan County-Blountville-Kingsport Animal Shelter. He also commented on the special cooperation among so many in our area that is not prevalent in many other communities, noting he was appreciative and offered congratulations to all.

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Mayor Phillips pointed out that everyone has already discussed the items he was going to talk about. The Mayor stated the City owed a debt of gratitude to the management team at Eastman for all they've done to contribute to the City.


City Attorney Billingsley recognized Human Resource Director Barbara Duncan and Budget Director Judy Smith for all of their hard work on the public safety bridge.

C. VISITORS. Ms. Barbara Brown commented favorably on the police and fire department employees.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 9:23 p.m.


ANGELA MARSHALL
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor